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HOUSE RESEARCH ORGANIZATION

———— daily floor report ————

Wednesday, January 09, 2019
86th Legislature, Number 2
The House convenes at 10 a.m.

The House today is expected to consider HR 3 by Geren, the proposed housekeeping resolution for the 86th Legislature. A summary of HR 3 as filed begins on page 1.

The House also is expected to consider HR 4 by Smithee, the proposed House Rules for the 86th Legislature. The proposed changes to last session's rules are summarized beginning on page 3.



Dwayne Bohac
Chairman
86(R) - 2

PROPOSED HOUSEKEEPING RESOLUTION CHANGES

The administration and operation of the House of Representatives are governed primarily by the housekeeping resolution adopted for the two-year term of each legislature. HR 3 by Geren, the proposed housekeeping resolution for the 86th Legislature (2019-20), would adjust provisions for display in the House chamber of the motto "In God We Trust," revise provisions relating to appointments of certain officers of the House, increase the monthly operating account for House members while in regular or special session, establish policy on appropriate workplace conduct, and revise the limit on committee gifts. The proposed resolution also would update various dates to reflect references to the 86th Legislature.

Motto. The House Administration Committee would be required to direct the State Preservation Board to maintain the permanent display of "In God We Trust" on the portico over the speaker's podium. The requirement for House Administration to display the motto electronically on the House message screen would be eliminated.

Officers of the House. HR 3 would revise provisions on speaker appointments of certain officers and employees of the House. It would list certain officers who, under the rules of the House, are appointed by the speaker and would add the executive director of the House Business Office to the list. HR 3 would authorize the speaker to appoint chief assistants to the House officers listed in HR 3, and those assistants would also be House officers.

Monthly operating accounts. The monthly allocation to members' operating accounts would increase from \$14,250 to \$15,250 for months that fall wholly or partially within the 2019 regular session or a special legislative session. HR 3 would maintain at \$13,500 the amount allocated to a member's operating account for months other than those within a regular or special session.

	82nd Leg. 2011	83rd Leg. 2013	84th Leg. 2015	85th Leg. 2017	Proposed 86th Leg. 2019
Monthly Member operating account:	\$11,925 (regular or special session)	\$13,250 (regular or special session)	\$14,250 (regular or special session)	\$14,250 (regular or special session)	\$15,250 (regular or special session)
	\$11,500 (interim, with possible adjustment up to \$11,925)	\$11,925 (interim)	\$13,500 (interim)	\$13,500 (interim)	\$13,500 (interim)
Member and committee employee salary cap:	\$4,200	\$5,000	\$5,151	\$5,280	\$5,280

The maximum amount of unspent funds that a member could carry forward from one fiscal year to the next would remain at \$20,000.

Workplace conduct. HR 3 would establish policies on appropriate workplace conduct and the handling of complaints about violations of House rules and policies and of HR 3 related to workplace conduct. Current policy is found in the House personnel manual.

HR 3 would require House members, officers, and employees to complete an interactive training program on preventing and resolving violations of House workplace conduct policies. The training would have to include information on reporting violations, using informal methods to resolve violations, and filing formal complaints with the House or another entity.

The resolution would establish provisions for filing, investigating, resolving, and reporting on workplace conduct complaints. Individuals could file complaints with the chair of the House general investigating committee or, under certain circumstances, with the vice chair.

The general investigating committee would be required to have rules for resolving complaints that were similar to the administrative review of certain complaints under the Texas Labor Code and that included a due process hearing before a report was made. HR 3 would require that committee investigations into complaints against members be conducted by individuals who are not associated with state government.

If the committee could not resolve a complaint, it would be required to determine if violations of House workplace conduct policies occurred and prepare a report on its findings and recommendations. HR 3 would establish requirements for the report and make it confidential until the House or the committee released it. Proceedings about complaints would be confidential, and information related to the proceedings could not be released unless authorized by committee rule or the House.

Committee gifts. HR 3 would limit the value of committee gifts to the legislative per diem set by the Ethics Commission and would limit gifts given together by two or more members to a committee chair or vice chair to no more than three times the per diem. Provisions on committee gifts previously were in the House Rules and limited gifts to \$75.

PROPOSED HOUSE RULES CHANGES

HR 4 by Smithee contains proposed changes in the House Rules for the 86th Legislature. The resolution, as filed, would alter the number, membership, and jurisdiction of several House committees. It would establish a House policy on appropriate workplace conduct and would make numerous other changes to House procedures.

Officers and employees (Rule 2). HR 4 would give the speaker authority to appoint up to two parliamentarians. The proposed rules also would revise the requirements for written copies of rulings on points of order and move the requirements to the description of the parliamentarian's duties. Language referring to employees and officers of the House also would be revised.

Committee membership, jurisdiction (Rule 3). Under HR 4, four committees would be eliminated — the committees on **Economic and Small Business Development, Government Transparency and Operations, Investments and Financial Services, and Special Purpose Districts** — and the items and agencies under the jurisdiction of those committees would be transferred to others. There would be a total of 34 standing committees, including 28 substantive committees and six procedural committees.

The resolution would increase the membership of 16 committees and decrease the membership of four. Committees with proposed changes in membership are shown in the table below.

Committee Name*	Previous Members	Proposed Members
Agriculture and Livestock	7	9
Business and Industry	7	9
Calendars	15	11
Corrections	7	9
Criminal Jurisprudence	7	9
Culture, Recreation, and Tourism	7	9
Defense and Veterans' Affairs	7	9
Elections	7	9
Energy Resources	13	11
General Investigating	7	5
Higher Education	9	11
International Relations and Economic Development	7	9
Juvenile Justice and Family Issues	7	9
Land and Resource Management	7	9
Licensing and Administrative Procedures	9	11
Local and Consent Calendars	13	11
Pensions, Investments, and Financial Services	7	11
Public Education	11	13
Redistricting	9	15
Urban Affairs	7	9

**Reflects name changes proposed by HR 4*

The **Business and Industry** Committee would gain jurisdiction over matters pertaining to unemployment compensation, including coverage, benefits, taxes and eligibility, and labor unions and their organization, control, management, and administration.

The proposed resolution would transfer jurisdiction over the Texas Ethics Commission and the duties and conduct of candidates for public office and of persons with an interest in influencing public policy from the **Elections** Committee to the **State Affairs** Committee. The **State Affairs** Committee also would gain jurisdiction over advances in science and technology by state agencies, including institutions of higher education, and over cybersecurity.

HR 4 would change the name of the **International Trade and Intergovernmental Affairs** Committee to the **International Relations and Economic Development** Committee and would expand its jurisdiction to include manufacturing, commerce, and trade, as well as cooperation between the state or a local governmental entity and the scientific and technological community. Certain items and agencies under the jurisdiction of the **Economic and Small Business Development** Committee also would be transferred to the committee.

The resolution would expand the jurisdiction of the **Land and Resource Management** Committee to include the creation, modification, and regulation of municipal utility districts.

The **Pensions** Committee would be renamed the **Pensions, Investments, and Financial Services** Committee and would gain jurisdiction over all of the items and agencies under the jurisdiction of the **Investments and Financial Services** Committee.

HR 4 would rename the **General Investigating and Ethics** Committee as the **General Investigating** Committee and would expand its jurisdiction to include the receipt, processing, investigation, and resolution of complaints related to appropriate workplace conduct under Rule 15, the housekeeping resolution, and House Administration Committee policies. HR 4 would set up a recusal process for a committee member under certain circumstances. The speaker would designate a qualified member drawn by lot to act in the place of a disqualified member.

The jurisdiction of the **House Administration** Committee would be expanded to include the adoption of policies and procedures for appropriate workplace conduct under Rule 15 and the housekeeping resolution, including policies related to the training of members, officers, and employees. The committee's jurisdiction also would include the Rules of Procedures of the House, Joint Rules, proposed amendments, and other items related to the operation of the House assigned by the speaker.

HR 4 would change the name of the **Rules and Resolutions** Committee to the **Resolutions Calendars** Committee. The committee would have jurisdiction over the placement of congratulatory or memorial resolutions on appropriate calendars and the determination of priorities for floor consideration of resolutions.

The resolution would remove the requirement that the chairs of the committees on **Higher Education, Natural Resources, Public Education, Transportation, and Ways and Means** appoint certain subcommittees.

Committees (Rule 4). HR 4 would revise provisions throughout the rules, including for committee reports, that refer to "sustainable point of order" and "sustainable question of order."

Floor procedure (Rule 5). HR 4 also would revise which members of the governor's staff could be admitted to the House floor and would include record votes on resolutions, other than ceremonial and honorary ones, with the other types of votes that must be taken and recorded in the House journal.

Calendars (Rule 6). HR 4 would make several changes to provisions dealing with local, consent and resolutions calendars. It would change the number of objections required to contest a bill on a local, consent, and resolutions calendar. Under the current rule, a bill is considered contested if at least five members give notice that they intend to oppose the bill. Under HR 4, at least 10 members present in the House would have to give notice.

A vote of two-thirds of the members present would be required for motions to postpone a bill on a local, consent, and resolutions calendar to a subsequent legislative or calendar day. HR 4 would establish procedures to handle third-reading bills removed from a local, consent, and resolutions calendar, including specific provisions for bills removed at the request of the author or sponsor. HR 4 also would specify that the current 10-minute limit on the debate on bills on the local, consent, and resolutions calendar would begin after the chair lays out the bill following the author's explanation.

Motions (Rule 7). Requirements for advance notice of certain motions after a bill's defeat would not be applied to motions made immediately after a measure was defeated. This revision would apply to motions to reconsider and table and to motions made to reconsider and spread on the journal.

Amendments (Rule 11, 13). HR 4 would repeal provisions that allow the speaker to return to the Senate a House bill with non-germane Senate amendments and would apply current provisions for pre-filing of amendments on Sunset bills only to second-reading amendments.

General Provisions (Rule 14). HR 4 would remove from the rules limits on committee gifts. Provisions limiting committee gifts are included in HR 3, the housekeeping resolution.

Appropriate Workplace Conduct (Rule 15). HR 4 would establish a new rule stating that, under House policy on appropriate workplace conduct, all forms of harassment prohibited by law are against the policy of the House. Members, employees, and officers would be expected to promote public confidence in the integrity of the House by conducting themselves in a manner free of harassment and by reporting any workplace harassment of which they have direct, personal knowledge.